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RONALD J. MCINTOSH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RONALD J. MCINTOSH,  
Petitioner,

v.

ERIC H. HOLDER,  
ATTORNEY GENERAL, STATE OF  
CALIFORNIA,

Respondents.

Case No.: 3:09-cv-00750 CRB

[PROPOSED] ORDER

This matter comes to Court on Petitioner's Motion for an order pursuant to Rule 37(b) of the Federal Rules of Civil Procedure directing that all matters embraced in petitioner McIntosh's petition, including the declarations and accompanying papers, be taken as established for purposes of the action.

Having reviewed all papers submitted in support of and in opposition to this motion, and this motion having been heard and submitted before this Court, the Court GRANTS Petitioner's Motion as described below:

1. The declarations submitted by petitioner in support of his habeas petition are deemed true.

[PROPOSED] ORDER

2. All factual assertions contained in McIntosh’s petition in support of his petition, including the facts alleged in his motion for an indicative ruling in this Court, and his motion to remand in the Ninth Circuit Court of Appeals, are deemed true.

3. The State of California, including the San Mateo County District Attorney’s Office, failed to provide, and suppressed, information required to be produced to McIntosh pursuant *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), in connection with *People v. McIntosh*, C-23606 (Superior Court, County of San Mateo) (hereafter, “*McIntosh*”).

4. The State of California, including the San Mateo County District Attorney's Office, proffered Ronald Raiton, a/k/a David Younge, as a truthful witness during the trial in *McIntosh* and on direct appeal knowing that Raiton committed perjury while testifying at the *McIntosh* trial regarding the length and nature of his relationship with Ronald Weston, a/k/a Drax Quartermain, the nature and extent of Raiton's involvement in the homicide of Ronald Ewing by falsely exculpating himself as part of the conspiracy to commit murder, the nature and extent of McIntosh's involvement in the homicide of Ronald Ewing by falsely implicating McIntosh in the conspiracy to commit murder, and McIntosh's presence at meetings with Weston, among other facts described more fully in the petition, McIntosh's motion for an indicative ruling in this Court, and his motion to remand in the Ninth Circuit Court of Appeals.

**IT IS SO ORDERED:**

Dated: March , 2014

HONORABLE CHARLES R. BREYER  
United States District Judge